

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
ACE GALVANIZING COMPANY,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 244

FINDINGS OF FACT,
CONCLUSION AND ORDER

This matter, the appeal of a civil penalty of \$100.00 for alleged violations of respondent's regulations, came before W. A. Gissberg, a member of the Pollution Control Hearings Board, at respondent's Seattle headquarters on February 27, 1973. Appellant appeared by and through its president, David A. Breiwick; respondent appeared through its attorney, Keith D. McGoffin. Having reviewed the testimony and exhibits and the transcript, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusion and Order which were submitted to the appellant and respondent on April 13, 1973. No objections or exceptions

1 to the Proposed Findings, Conclusion and Order having been received, the
2 Pollution Control Hearings Board makes and enters the following

3 FINDINGS OF FACT

4 I.

5 On November 2, 1972, in King County, Washington, appellant was the
6 owner and operator of a metal galvanizing plant and caused or allowed
7 emissions of an air contaminant from its plant for a period of time and
8 of such density and opacity so as to constitute a reading of Ringelmann
9 No. 5 in violation of respondent's Regulation I, Section 9.03(a).

10 II.

11 Such emissions came from the operation of appellant's zinc furnace
12 and was caused by the use of a flux which appellants knew would cause such
13 emissions.

14 From the foregoing, the Board makes and enters this

15 CONCLUSION OF LAW

16 Appellant caused or allowed the emission of an air contaminant in
17 violation of Regulation I, Section 9.03(a) of the Puget Sound Air Pollutior
18 Control Agency.

19 From which comes this

20 DECISION

21 The appeal is denied and respondent's Notice of Civil Penalty is
22 affirmed.

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FINDINGS OF FACT,
CONCLUSION AND ORDER

1 DONE at Lacey, Washington this 5th day of June, 1973.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward
4 WALT WOODWARD, Chairman

5 W. A. Gissberg
6 W. A. GISSBERG, Member

7 James T. Sheehy
8 JAMES T. SHEEHY, Member

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26 FINDINGS OF FACT,
27 CONCLUSION AND ORDER